

REMARKS

The Office Action dated June 9, 2008, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1 and 4-25 are currently pending in the application, of which claims 1 and 11 are independent claims. Claims 1, 11, and 15 have been amended to more particularly point out and distinctly claim the invention. No new matter has been added. Claims 1 and 4-25 are respectfully submitted for consideration.

This Office Action is unexpected and improper. An Office Action had been issued July 30, 2007. A Response to that Office Action was filed on November 30, 2007. An Advisory Action was received dated December 21, 2007, indicating that a Request for Continued Examination (RCE) would be necessary to enter the amendments included with the Response. Such an RCE was filed on December 31, 2007. Then, on March 21, 2007, a Notice of Allowance was mailed.

After the Notice of Allowance, a new RCE was filed with an Information Disclosure Statement (IDS). Now, a new Office Action has been presented that essentially repeats the rejections found in the Office Action of July 30, 2007. Since the claims were already allowed over the cited art, and have not been amended in any way that would affect that allowance, this Office Action is irregular at best.

Furthermore, distinctions between the claims were noted in a Response filed November 30, 2007. The Office Action failed to take note of and respond to those

distinctions. The response of November 30, 2007, also noted that the primary reference relied upon in the rejection is not prior art (as cited). The Office Action failed to take this error into account in rejecting the claims. This is yet a further, additional problem in the Office Action.

Claims 1, 4-12, 14-21, and 24-25 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0104702 of Nakadai et al. ("Nakadai"). Applicants respectfully traverse this rejection at least because Nakadai is not proper prior art.

Nakadai is the U.S. Publication of International Application No. PCT/JP02/02204, which was filed March 8, 2002, and published on June 3, 2004. Nakadai's international publication, however, was not in English. Accordingly, Nakadai does not qualify as prior art under 35 U.S.C. 102(e) against any application, since an international application filed after November 29, 2000, only qualifies as prior art under 35 U.S.C. 102(e) if it both designates the United States and was published in English. Applicants refer the Examiner to the first flowchart shown at MPEP 706.02(f)(1)(III).

Accordingly, the rejection of claims 1, 4-12, 14-21, and 24-25 should be withdrawn.

Claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Nakadai in view of U.S. Patent No. 6,584,375 of Bancroft et al. ("Bancroft"). This rejection is respectfully traversed because Nakadai is not proper prior art, as proven above.

Claims 22-23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nakadai in view of U.S. Patent No. 7,058,577 of Surace et al. ("Surace"). This rejection is respectfully traversed because Nakadai is not proper prior art, as proven above.

As noted above, Nakadai is not proper art. Nevertheless, Applicants note that the Advisory Action referenced above had disputed whether Nakadai was effective as prior art per its national stage filing date. Although Applicants respectfully disagree with such an analysis, Applicants note that there may be other documents having overlapping disclosure that could be cited. Specifically, INPADOC identifies the following apparently related publications, which would predate the presently asserted priority date of the present application:

- JP2002264058 A published 2002-09-18;
- JP2002264051 A published 2002-09-18;
- JP2002264052 A published 2002-09-18;
- JP2002264053 A published 2002-09-18; and
- WO02072317 A1 published 2002-09-19.

In view of these related earlier publications, some distinctions between the claims and Nakadai (as cited) are presented to help to expedite prosecution, as it did previously. Some discussion of the differences between Nakadai and the presently claimed invention are discussed below. These distinctions are noted for the Examiner's convenience. Applicants emphasize that these distinctions were similarly presented in the Response filed November 30, 2007, and that the present Office Action is – in essence – incomplete

because it failed to respond to these distinctions. Furthermore, the distinctions have been updated to respond to the specific reliance by the Examiner on various paragraphs of Nakadai for features that were added by amendment in the Response filed November 30, 2007. Additionally, the distinctions have been updated in view of the amendment to claims 1 and 11 shown above. A discussion of some of the salient differences between the claims and Nakadai follows.

For example, independent claims 1 and 11 are distinguishable over the disclosure of Nakadai itself because claim 1 recites, “means for traveling autonomously” and claim 11 recites “a traveling robot adapted to travel autonomously,” features that Nakadai’s robot lacks.

The Office Action took the position that such features are disclosed by elements 11, 14, and 16 of Nakadai’s Figures 1 and 2. This position is incorrect. Element 11 is a base, that supports a body portion 12. The base can be, as described at paragraph [0114], either disposed fixed in position or arranged operable as a foot of the robot. Alternatively, the base may be mounted on a movable carriage or the like. Element 14 is sound insulating cladding, and elements 16 are microphones attached to a head portion 13 of Nakadai’s robot.

Accordingly, Nakadai’s robot, as described in Nakadai’s description is enabled for angular tracking of targets, not for autonomous travel. Indeed, the idea of Nakadai’s robot traveling autonomously appears to be entirely absent from Nakadai’s disclosure,

and there does not appear to be any reason (such as teaching, motivation, or suggestion) that one of ordinary skill in the art would incorporate such a feature into Nakadai.

Furthermore, claim 1 recites, “wherein the response means is configured to determine an action to conduct the guest to a prescribed facility according to the utilization status of the facility,” which is neither disclosed nor suggested in the cited art.

In order to better understand the claims and the cited art, it may be valuable to appreciate that the claims and the cited art are based on Japanese customs and lifestyles, and must be understood in that context. Certain embodiments of the present invention may have an intended use typically in an entrance hall of an office building of a major corporation. Conventionally, a number of receptionists sit behind a counter and meet visitors who mostly come for previously arranged appointments. There are a number of meeting rooms. A visitor speaks to one of the receptionists and tells her (the receptionists are usually female) his name and the person (host) he is to meet. The receptionist then calls the host by telephone to announce the arrival of the visitor. A meeting room is reserved for such a meeting in advance or the receptionist chooses a meeting room that is available for the appointed meeting. The receptionist then conducts the visitor to the selected meeting room and asks the visitor to wait until the host arrives. In major corporations, there are so many visitors and meeting rooms that it is a major undertaking to organize such meetings. The traveling robot of certain embodiments of the present invention is at least a useful aid in such an environment. In some cases, the receptionist

may conduct the guest to a sofa of a waiting room. The “prescribed facility” in the claims, as amended, can refer to such a meeting room or sofa.

Nakadai is rather different. As the Office Action quoted, the robot of Nakadai is intended as a **party** receptionist. However, this quotation is incomplete. The complete quotation is “as a party receptionist **and companion**.” (emphasis added) A party companion is typically a nicely dressed female who is hired to help a party to progress nicely. Typically, such a person has no specific task, but is expected to behave nicely to the guests by fetching drinks for the guests and conducting the guests to designated tables. The robot of Nakadai appears to be assigned with a similar task, although the robot of Nakadai is stationary and is only able to speak with the guests. Thus, the robot may be able to listen to and to speak with each guests, and it may be a pleasant for the visitors, but it does not serve a practical purpose. It may recognize each guest, but it provides no utility other than pleasing the guest.

As noted above, the robot of Nakadai is intended to be stationary. It may be mounted on a carriage (as discussed at paragraph [0114] of Nakadai), but it may well be for the purpose of pushing or pulling the robot from one place to another (just as one might place a television on a cart). In Nakadai, if the person moves away from the robot, the robot simply changes the viewing direction, and is quite unable to physically follow him.

Thus, it is respectfully submitted that Nakadai cannot disclose or suggest, “wherein the response means is configured to determine an action to conduct the guest to

a prescribed facility according to the utilization status of the facility,” as recited in claims 1 and 11.

Furthermore, the claim 15 recites, “wherein the recognition means detects the guest as a moving object and when it is determined that the guest has approached to a prescribed distance, detects a face of the guest to identify the guest by using the detected face,” (claim 15). Such a feature is also not to be found in Nakadai, and there is no reason (such as teaching, motivation, or suggestion) that one of ordinary skill in the art would incorporate such a feature into Nakadai.

The Office Action indicated that paragraphs [0144] to [0150] disclose such features. The cited paragraphs are a description of Figure 6 of Nakadai. Figure 6 of Nakadai deals with the face recognition features of Nakadai. There is discussion of face recognition in general, and of locating the face in three-dimensional space. There is, however, no discussion at all of (a) “detecting [a] guest as a moving object” or (b) performing the face detection based a determination “that the guest has approached to a prescribed distance.” Accordingly, Nakadai is clearly distinguishable from what is recited in claim 15.

As previously noted in the responses filed May 7, 2007, and November 30, 2007, such features can provide critical and unobvious advantages over the prior art of record. For example, certain embodiments of the present invention provide a robot that is capable of identifying a guest and taking actions appropriate to the identified guest. For this purpose, the robot can be provided with a recognition means and management database

means. In short and for example, the robot can recognize the guest from the guest's face, and can act according to an appointment set up for this particular person. Humans are known to be pleased or otherwise excited when they are recognized by a stranger. Certain embodiments of the present invention advantageously allow a robot to recognize a guest and take an appropriate action. This can provide a highly pleasing impact on the guest in addition to accomplishing a designated task, such as, for example, conducting the guest to a designated room.

Thus, one valuable feature of certain embodiments of the present invention is that the robot is capable of identifying a guest and taking actions appropriate to the identified guest. The above-identified features can allow the robot to obtain an appropriate size and direction of a face of a guest and this can significantly contribute to identifying the face of the guest with a high degree both of accuracy and precision. These critical and non-obvious advantages provide secondary consideration of non-obviousness that would be sufficient to rebut a *prima facie* case of obviousness, even if such a case could be made.

For the reasons set forth in detail above, it is respectfully submitted that each of claims 1 and 4-25 recites subject matter that is neither disclosed nor suggested in the cited art. It is, therefore, respectfully requested that each of claims 1 and 4-25 be allowed and that this application be passed to issuance.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by

telephone, Applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter Flanagan", is written over a horizontal line.

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